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7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 ***

11 BANK OF AMERICA, N.A.,)

12 Plaintiff,)

13 vs.)

14 THE SIENA HOMEOWNER'S)
ASSOCIATION; THUNDER PROPERTIES,)
15 INC.; and HAMPTON & HAMPTON)
COLLECTIONS, LLC,)

16 Defendants.)
17

Case No. 3:16-cv-00188-MMD-CBC

18 **JOINT MOTION TO CONTINUE STAY OF BRIEFING OF SECOND MOTION FOR**
19 **SUMMARY JUDGMENT PENDING ANTICIPATED SETTLEMENT**

20 **(Second Request)**

21 COMES NOW, Defendant, THUNDER PROPERTIES, INC. and Plaintiff, BANK OF
22 AMERICA, N.A., by and through their undersigned counsel, and hereby provide a status report
23 pursuant to their Joint Motion to Stay Briefing of Second Motion for Summary Judgment
24 Pending Anticipated Settlement dated March 8, 2019 [ECF #102], which was approved on
25 March 11, 2019 [ECF #103]. The parties further move that the subject stay be continued for an
26 additional 60 days, stating as follows:

- 27 1. On November 19, 2018, Plaintiff filed a Second Motion for Partial Summary
28 Judgment herein [ECF #85]. Defendant's Response to said Motion was originally

1 due on December 17, 2018.

2 2. On March 8, 2019, the parties submitted a Joint Motion to Stay Briefing of
3 Second Motion for Summary Judgment Pending Anticipated Settlement [ECF
4 #102]. Said Motion was granted on March 11, 2019 [ECF #103].

5 3. As set forth in said Motion, the parties have agreed upon the essential terms of a
6 settlement. However, certain rather unique logistical issues exist with regard to
7 the manner in which the surplus funds related to the homeowners association lien
8 foreclosure sale at issue are to be distributed, including the terms of an
9 indemnification agreement between the parties. The parties are continuing to
10 work to resolve these issues.

11 4. The parties desire to avoid unnecessarily expending additional resources on
12 continued litigation given the agreed upon settlement. The parties continue to
13 believe that the issue of the surplus funds will not render the settlement infeasible,
14 however, additional time is required in order to resolve this issue.

15 5. Based upon the foregoing, the parties respectfully request that the briefing of
16 Plaintiff's Second Motion for Summary Judgment, as well as all other related
17 deadlines, be stayed for a period of an additional 60 days, until July 23, 2019.

18 6. The parties expect to finalize the settlement and cause this matter action to be
19 dismissed in its entirety within said time period. In the event that this becomes
20 impossible for some reason, the parties will so advise the Court by filing a status
21 report or other appropriate document on or before July 23, 2019.

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1 7. This Joint Motion is made in good faith and not for purpose of delay.

2 Dated this 23rd day of May, 2019.


3 ROGER P. CROTEAU &
4 ASSOCIATES, LTD.

AKERMAN, LLP

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22 Bank of America, N.A.

23 IT IS SO ORDERED.

24 By: 
25 Judge, U.S. District Court

26 Dated: May 23, 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May, 2019, I served via the United States District Court CM/ECF electronic filing system, the foregoing **JOINT MOTION TO CONTINUE STAY OF BRIEFING OF SECOND MOTION FOR SUMMARY JUDGMENT PENDING ANTICIPATED SETTLEMENT** to the following parties:

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